

Date

Mr. Purvis Morrison
125 Andreas Rd.
Scott, La. 70583

Re: Ethics Board Docket No. 2021-717

Dear Mr. Morrison:

The Louisiana Board of Ethics, at its October 8, 2021 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics ("Code") would prevent you, as a part time employee of the City of Opelousas, from seeking outside employment with Fenstermaker Engineering.

FACTS PROVIDED

You are currently employed as the CAO ("Chief Administrative Officer") for the City of Opelousas. You will be transitioning to part-time work in the near future. You have been presented with an opportunity to work part-time for Fenstermaker Engineering. Fenstermaker Engineering does not currently have any work with the City of Opelousas and does not anticipate bidding on or entering into any contracts with the City of Opelousas.

LAW

La. R.S. 42:1111C(2)(d): No public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person from whom such public servant would be prohibited by R.S. 42:1115(A)(1) or (B) from receiving a gift.

La. R.S. 42:1115A(1): No public servant shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

La. R.S. 42:1115B: No public employee shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person: (1) Conducts operations or activities which are regulated by the public employee's agency; or (2) Has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

La. R.S. 42:1111E(1): No public servant, and no legal entity of which such public servant is an officer, director, trustee, partner, or employee, or in which such public servant has a substantial economic interest, shall receive or agree to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

CONCLUSION

The Board concluded, and instructed me to inform you, that Section 1111C(2)(d) does not prohibit you from being employed part-time by Fenstermaker Engineering, since Fenstermaker Engineering does not have, and it not seeking to obtain, a contractual, business or financial relationship with the City of Opelousas, is not regulated by the City of Opelousas, and does not have substantial economic interests which may be affected by the performance of your job duties as CAO for the City of Opelousas. However, the Board cautioned that in the event Fenstermaker Engineering decides to seek a relationship with the City of Opelousas, you would be prohibited by Section 1111C(2)(d) from receiving compensation while also employed as CAO. The Board suggested that you seek an updated advisory opinion in the facts herein change.

Finally, the Board further cautioned, that while you are employed as CAO for the City of Opelousas, both yourself and Fenstermaker Engineering are prohibited by Section 1111E(1) from receiving compensation for assisting any person in a transaction involving the City of Opelousas.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board

This is a draft opinion and it is NOT a final opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is completed.